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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/611,423	07/02/2003	Ian Robert Johnson	1509-425	2565

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EXAMINER
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DILDINE JR, R STEPHEN

ART UNIT	PAPER NUMBER
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2133

DATE MAILED: 12/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/611,423	Applicant(s) JOHNSON, IAN ROBERT	
	Examiner R. Stephen Dildine	Art Unit 2133	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 10 and 20 is/are allowed.
- 6) ☒ Claim(s) 1,5-9,11-19 and 21-23 is/are rejected.
- 7) ☒ Claim(s) 2-4 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

Art Unit: 2133

*Specification*

The disclosure is objected to under 37 CFR 1.52(b)(6) because of the following informalities: the square brackets have only three numerals instead of the required four.

Appropriate correction is required.

*Claim Objections*

Claim 12 is objected to under 37 CFR 1.75(i) because of the following informalities: Claim 12 lacks the required line indentations. Appropriate correction is required.

Claims 22-23 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. These claims do not add any further limitations to the receiver claimed in the parent claims.

*Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 9, 11, 19, 21 and 23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The use of the term "Bluetooth<sup>TM</sup>" in these claims is vague and indefinite because a trademark designates the origin of goods or services, but does not convey any information about the specific nature of these goods or services. In other words, a trademark does not designate any structure or acts but instead only functions to indicate a source of goods or services.

Claims 12-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. One is unable to determine whether applicant is attempting to claim a method or an apparatus invention. Regarding claim 12, the phrase "arranged to" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Art Unit: 2133

*Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 5-9, 12, 16-19 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamashita et al. (JP 07143100 A, cited in applicant's IDS, see also the cited machine translation thereof) who teaches performing error correction on received data (error correction circuit 20), determining if the error correction has failed (signal (d) becomes a low level when the correction has failed), determining a CRC value associated with the received data (data (e) is inputted into a CRC circuit 26) where the received data conforms to a wireless ([0002] a mobile FM multiplex broadcast) transmission protocol in data packet format ([0002] the data packet which encoded 190 original data, and 82 parity packets), where received data is rejected if the CRC value is not valid (The circuit 24 receives the signals (d) and (f), transmits a signal (g) when errors do not exist in the both signals and loads data (h) to a memory 16 (therefore, data (h) is not loaded into memory 16, i.e. rejected when error do exist in both signals).

Claims 1, 5-9, 12, 16-19 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Kazuo et al. (EP 0 802 636 A2, cited in applicant's IDS) who teaches performing error correction on received data (S105, Fig. 4), determining if the error correction has failed (S109, Fig. 4), determining a CRC value associated with the received data (S107, Fig. 4) where the data is rejected (S111, Fig. 4) if the CRC value is not valid (S108 "Yes", Fig. 4) where the received data conforms to a wireless transmission protocol (Figs 1 and 2 e.g.) in data packet format (column 5, lines 41-44)

Claims 1, 5-9, 12, 16-19 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Brückner (DE 42 14 750 A1) who shows who teaches performing error correction on received data (Korrekturversuch entspr. FEC Korrekturvermögen, Fig. 1), determining if the error correction has failed (CRC-ok ? in Figures 1, 2 and 4, Fig. 1), determining a CRC value associated with the received data (Variation I Korrekturversuch von n+2 Fehlern, Fig. 1), where the data is rejected (Datenblock nicht korrigierbar, Fig. 4) if the CRC value is not valid (CRC ok ? {nein}, Fig. 4), where the received data conforms to a wireless transmission protocol (Teletext), in data packet format (Datenblock, Fig. 4)

Art Unit: 2133

*Allowable Subject Matter*

Claims 2-4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 10 and 20 are allowed.

*Conclusion*

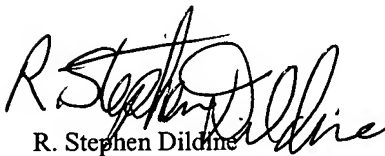
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Tang et al. (IBM TDB Vol. 24, No. 5, Pages 2469 – 2472) shows an FEC appended to a CRC.

The following is a statement of reasons for the indication of allowable subject matter: none of the cited references teach or fairly suggest counting the number of bits changed in the received data (claims 2-3 and 10) or re-encoding data (claims 4) or determining the number of errors in the received data (claim 20).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to R. Stephen Dildine whose telephone number is (571) 272-3820. The examiner can normally be reached on M - F 5:30 am to 2:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert Decady can be reached on (571) 272-3819. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
R. Stephen Dildine

R. Stephen Dildine  
Primary Examiner  
Art Unit 2133